

BRUCE A. BLAKEMAN
County Executive



THOMAS A. ADAMS
County Attorney

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY

April 11, 2024

Via ECF
Hon. Eric R. Komitee
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Basile v., County of Nassau, et al.
20-CV-00576 (EK)(LB)

Your Honor:

The Nassau County Attorney's Office represents defendants, County of Nassau, Det. Jesse Perkins and Det. Robert Lashinsky in the above referenced action. The purpose of this letter is to respectfully advise the Court and plaintiff's counsel that, with respect to defendants' pending motions pursuant to Fed. R. Civ. P. 59(e) and Fed. R. Civ. P. 60(b) [DE 82] for an order (a) vacating, altering or amending the jury verdict rendered by the jury on November 2, 2023 [DE 76], or (b) in the alternative, directing that a new trial be conducted, with the Court's permission, defendants *hereby revise* the Notice of Motion and now seek an order to request only the following relief:

Under Rule 59(e), for an order *altering or amending* the jury verdict rendered by the jury on November 2, 2023 [DE 76].

Defendants hereby withdraw that part of their motion seeking an order to *vacate* the verdict.

Instead, defendants' motion is hereby revised to seek an order only to *alter or amend*, but not to *vacate*, the verdict.

In addition, defendants *hereby withdraw* that branch of their motion pursuant to Rule 60(b) for an order in the alternative directing that a new trial be conducted.

If the Court wishes to direct defendants to serve and file a revised Notice of Motion and Memorandum of Law to the above effect, defendants will do so promptly upon the Court issuing such an order. Otherwise, defendants will assume that the papers already served and on file on ECF will be sufficient for the Court to render a decision based on their revised request, i.e., under Rule 59(e), for an order *altering or amending* the jury verdict, but *not vacating* the verdict.

To be clear, defendants *hereby withdraw* that branch of their motion pursuant to Rule 60(b) for an order in the alternative directing that new trial be conducted.

In view of the above, defendants respectfully request that the in-person status conference scheduled for Tuesday, April 16, 2024 at 4:00 p.m. be cancelled, as defendants have hereby revised their motion so as to avoid any actual or potential conflict of interest between the interests of Nassau County and the interests of former defendants Det. Perkins and Det. Lashinsky. Former defendants Det. Perkins and Det. Lashinsky, having been found not liable to plaintiff under either federal or state law by the jury verdict, have no interest or stake in the County's revised motion to alter or amend the jury verdict, in which only Nassau County was found liable for battery under respondeat superior.

I wish to notify the Court that I am sending a copy of this letter to Det. Perkins and Det. Lashinsky today by email, as well as Christopher V. Todd, Esq., Deputy Bureau Chief of Police Department's Legal Bureau.

As always, defendants thank Your Honor for your attention and consideration in this matter.

Respectfully submitted,

/s/ Ralph J. Reissman
RALPH J. REISSMAN
Deputy County Attorney

cc: All counsel of record (via ECF)

Det. Jesse Perkins, Det. Robert Lashinsky, and Christopher V. Todd, Esq. (via email)